



400 Putnam Building, 215 N. Main Street
Davenport, Iowa 52801-1924

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Before the

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, DC 20554

In the Matter of)
)
Preemption of State and Local Zoning and) MM Docket No. 97-182
Use Restrictions on the Siting,) Land
Placement and Construction of Broadcast)
Station Transmission Facilities)

COMMENTS OF Gary Schmedding, President - Broadcast Group,
Lee Enterprises, Incorporated

The Lee Broadcast Group includes nine full service television stations, with seven satellite stations and over one-hundred translator facilities. We have a lot of television towers, and we have had some significant problems. That's why we think the preemption rules sought by the NAB and MSTV will be critical if we are able to proceed with the roll out of digital television in a timely manner.

We agree that the Commission should be sensitive to legitimate local interests; after all, our stations serve the public interest and without public support our stations are not successful. On the other hand, we encourage the Commission to preempt those local regulations that interfere with the federal regulatory nature of the advancement of digital/high definition television for all Americans.

For example, here are some of the issues our stations have and are facing. In Honolulu the Lee station, KGMB, is the only station with a free-standing tower in the Honolulu metro area. All of the other stations utilize high-rise structures for their transmitter and antenna facilities. There has been considerable concern voiced about the RF factors, given the high population density in central Honolulu. For the

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past eight years we have been attempting unsuccessfully to find another tower location, one that might serve several, if not most of the television stations in the market.

Most of the elevated locations that are away from, but would best serve the major population area, are owned or controlled by governmental agencies, primarily the state of Hawaii. Our efforts to find a suitable alternative have bogged down in lengthy discussions and detailed negotiations, but there is a general lack of urgency on the part of the officials with whom we have met. When we do seem to be making progress, the players change and we have to start all over again. For most of these people the digital roll out is not a high priority issue. At the current rate of progress, we are at least another ten years away from a reasonable resolution.

The issue will become even more important with the transition to digital television. If there is concern about the amount of the current RF levels, that will more than double as each station adds a second operation. Thus far, one station in Hawaii, KITV, has applied for a digital license and it has been granted, but they will be using their current site atop a downtown hotel using low power. It seems highly unlikely that a full power digital transmitter and antenna will be permitted in this densely populated area. But as long as local and state personnel feel no need to act with dispatch in the relocation process, we will all be trapped in the current malaise.

To complicate matters even more, the state recently gave permission for an observatory to be built on Maui in an area where Hawaii television stations have long had satellite stations to relay the signals from Honolulu. Now we are being told that our transmitters are interfering with the observatory and we (the stations) must move, but there's no where to relocate that will provide coverage to Maui and several other of the outer islands. If this decision is allowed to stand, 15% to 20% of the residents of Hawaii will NEVER have the opportunity to receive any terrestrial television signals, much less digital/high definition television.

Our station in Albuquerque has experienced delays involved in working with the Bureau of Land Management for tower modifications on Sandia Crest. BLM personnel are not difficult to deal with, but it is an understandably low priority item for them, and that can lead to extensive delays. Television engineering issues are not a part of BLM expertise and everything just takes longer. Transmission towers on

BLM land are often in mountainous areas which dramatically complicates construction and modification plans, not the least of which is the weather. Construction opportunities are severely hampered by winter storm conditions, so the time frame for these projects must be condensed to fit mother nature's schedule as well as the BLM's. Two years ago we undertook a major tower modification project in Albuquerque to facilitate the launching of a new television station, KASY. Unexpected delays resulted in the station's launch date being set back by more than six months. Missing those target dates resulted in increasing the startup losses by one million dollars.

In Las Cruces, New Mexico, three years ago Lee acquired a failing independent station and attempted to make it a successful contributor to the community. One of the key issues, however, was a signal coverage problem. The tower and transmitter were located on the east side of the Organ Mountain range and that resulted in a lack of full coverage to all of Las Cruces and its suburban areas on the west side of the mountain range. Our efforts to find a suitable tower site in and around Las Cruces for a translator met with refusal on the part of city and county officials. While the primary target of their blockage related to cell phone towers, we were pushed into the same category and were prevented from providing many viewers in the Las Cruces area with a high quality signal.

In Tucson, Arizona, the City Planning and Zoning Commission, in March of this year, proposed changes in the city code to regulate cellular telephone towers, but the language would also have applied to broadcast towers. It took the Tucson broadcasters a great deal of time and money to rectify the situation, but it is just one more example of the problems broadcasters face on tower issues with local governmental units.

In Portland, Oregon, a top 30 market, we are pushing forward with our plans to be on the air with a digital high definition television signal by November of 1999. We know we will be required to build a new tower. Thus far we are early in the approval process and are hopeful that we can meet the Commission time frame. We are also aware that if our tower construction plans become a "cause" in Oregon's environmentally conscious community, we could be delayed for untold years unless the Commission adopts the NAB/MSTV recommended preemptions and establishes a process whereby these issues can be resolved in a timely fashion.

We are sensitive to the rights of states and localities to protect the legitimate interests of their citizens. At the same time, we are concerned that local zoning and land use decisions and lengthy delays in resolving potential differences could hold up the construction of an essential part of the DTV transmission system and make it impossible for our station to satisfy the Commission's construction requirements to transmit a "DTV signal strong enough to encompass the community of license" by the required deadline. The end result most likely will be a delay in the ability of broadcasters to bring a digital high definition signal to our viewers, leading to a further delay in the Commission's timetable for prompt recovery of spectrum.

Thank you for your attention to and consideration of these comments.

Sincerely,



Gary Schmedding

Date: October 29, 1997